THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7268 of 1998

14.11.2007

Between:

P.Ramakrishna Somayajulu
And aother

…Petitioner

And

The District Collector, Guntur
And others

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7268 of 1998

ORDER:

Petitioners were owners of land admeasuring Acs.3.82 in survey No.508/2 and Acs.0.12 in survey No.509/2/C situated at Tenali. The land was acquired for formation of approach road to BC Colony under Award No.13/94. Petitioners thereafter filed W.P.No.10538/1995 impeaching Land Acquisition (LA) proceedings. Ultimately the writ petition was dismissed on 17.12.1996. Petitioners allege that a copy of the said judgment was supplied to them on 10.4.1997 which was received by them through their counsel on 18.4.1997. Thereafter they got issued notice dated 14.6.1997 requesting second respondent – Land Acquisition Officer (LAO); to refer the Award to Civil Court under Section 18 of the Land Acquisition Act, 1894 (the Act, for brevity). As against the award of Rs.50,000/- per acre, petitioners claimed Rs.4.00 lakhs per acre. As there was no response, they filed the instant writ petition. They seek a writ of Mandamus directing respondent to refer the matter under Section 18 of the Act.

Third respondent filed counter affidavit. The LA proceedings, passing of the Award, earlier W.P.No.10538 of 1997 and dismissal thereof are admitted. The receipt of application dated 14.6.1997 is also admitted. However the writ petition is opposed on the ground that the reference sought is beyond the period of limitation as provided under Section 18(2) of the Act. The main contention in the counter is that any reference to the Civil Court seeking enhancement of compensation has to be made within six weeks from the date of the Award.

Petitioners have not filed any reply affidavit. The contention of

petitioners is that due to pendency of the writ petition filed by them which was dismissed about which they only came to know on 18.4.1997 and therefore application made by them for reference is in time, cannot be accepted. As seen from the writ affidavit, notification under Section 4(1) of the Act was issued on 27.1.1992 and the same was not assailed by petitioners immediately. Award No.13/1994 was passed on 12.7.1994 granting a sum of Rs.50,000/- per acre. It is only thereafter petitioners filed W.P.No.13058 of 1995. Mere pendency of a writ petition challenging acquisition proceedings, after the award, does not in any manner extend the time prescribed by the Legislature under Section 18(2) of the Act for seeking reference. Further when petitioners' earlier W.P.No.13058 of 1995 by this Court on 17.12.1996, liberty was not reserved for them to seek reference under Section 18 of the Act. The contention therefore is misconceived.

The writ petition is devoid of merits and is accordingly dismissed.

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(**V.V.S.RAO, J**)

November 14, 2007
YS